

# EXHIBIT 5



## 2006 Annual State of the Court Message

September 26, 2006

Chief Judge Bernard A. Friedman

## **STATE OF THE COURT MESSAGE**

**September 26, 2006**

### **I. Judicial Officers**

Last year I reported that there were three district judge vacancies on the Eastern District of Michigan bench. We are awaiting the filling of Senior Judge Patrick J. Duggan's vacancy. Judges Thomas L. Ludington and Sean F. Cox were commissioned by President Bush on June 12, 2006. Judge Cox was sworn in by Chief Judge Friedman on June 16, 2006 and his formal Investiture Ceremony was held on August 10, 2006. Judge Ludington was sworn in by Judge David Lawson in Bay City on June 30, 2006 and his formal investiture ceremony will take place in Bay City on October 11, 2006.

The U.S. Bankruptcy Court swore in a new judge this year also. Bankruptcy Judge Daniel Opperman was sworn in on July 13, 2006. He is stationed in Flint and Bay City.

On August 21, 2006, Judge David Lawson's official duty station became Detroit and Judge Thomas Ludington's official duty station became Bay City.

In April of this year, the Court reappointed Bankruptcy Judge Steven W. Rhodes as Chief Judge of the Bankruptcy Court for an additional one-year period beginning April 25, 2006, and ending April 24, 2007. Bankruptcy Judge Walter Shapero continues to serve the Bankruptcy Court in a recall status. Judge Shapero relocated to Theodore Levin U.S. Courthouse in July.

Magistrate Judge Paul J. Komives continues to serve the Court in a recall status.

Our seven senior judges continue to contribute substantially to the work of the Court. Judges Cohn, Zatkoff, Duggan and Gadola receive cases at the same rate as district judges in active service. Senior Judges Feikens, Cook and Taylor are assigned cases between 50% and 75% of that of a district judge in active service.

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## II. Clerk's Office Statistical Information

### A. Civil and Criminal Case Information - Calendar Years 2004 and 2005

	<u>2005</u>	<u>2004</u>	<u>%</u>	<u>Circuit %</u>	<u>National %</u>
Civil Cases Filed	5,578	4,930	13.1	1.3	-11.3
Civil Cases Terminated	19,145	4,854	294.4	37.8	8.3
Criminal Cases Filed	564	610	-7.5	1.9	-2.5
Criminal Cases Terminated	624	563	10.8	17.4	4.5
CR Defendants Filed	917	938	-2.2	3.8	-1.0
CR Defendants Terminated	961	949	1.3	17.7	6.0

Our 5,578 civil filings for 2005 rank our district 2<sup>nd</sup> in the Sixth Circuit and 13<sup>th</sup> nationally. Our 19,145 civil terminations rank us 1<sup>st</sup> in the Sixth Circuit and 2<sup>nd</sup> in the nation. 14,768 of the Dow silicone cases pending in this district were closed this calendar year. On the criminal side, our 564 filings rank us 4<sup>th</sup> in the Sixth Circuit and 38<sup>th</sup> nationally. Our 624 terminations rank us 2<sup>nd</sup> in the Sixth Circuit and 29<sup>th</sup> nationally.

### B. Civil Cases - Median Time Intervals from Filing to Disposition of Civil Cases Terminated During the 12-Month Period Ending September 30, 2005

	<u>Total Cases</u>	<u>Median Time Interval in Months</u>
Cases Disposed of With No Court Action	546	4.6
Cases Disposed of Before Pretrial	1,505	6.2
Cases Disposed of During or After Pretrial	1,550	13.0
Cases Disposed of By Trial	76	25.3

Our total number of 3,677 civil cases disposed of during this time period, with an overall median time interval of 9.9 months, ranks us 1<sup>st</sup> in the Sixth Circuit and 12<sup>th</sup> nationally.

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**C. Criminal Defendants - Median Time Intervals from Filing to Disposition of Criminal Defendants During the 12-Month Period Ending September 30, 2005**

	<u>Total Defendants</u>	<u>Median Time Interval in Months</u>
Defendants Dismissed	103	19.1
Plea of Guilty	686	11.6
Defendants Disposed of By Trial	74	23.0

Our total number of 863 criminal defendants disposed of during this time period, with an overall median time interval of 12.7 months, ranks us 2<sup>nd</sup> in the Sixth Circuit and 27<sup>th</sup> nationally.

**III. Bankruptcy Court Statistical Information**

	<u>2005</u>	<u>2004</u>	<u>%</u>	<u>Circuit %</u>	<u>National %</u>
Bankruptcy Filings	65,909	47,038	40.1	36.2	30.1
Bankruptcy Terminations	38,231	40,554	-5.7	2.9	-5.1

The Bankruptcy Court's 65,909 filings rank 2<sup>nd</sup> in the Sixth Circuit and 4<sup>th</sup> nationally. Their 38,231 terminations rank 3<sup>rd</sup> in the Sixth Circuit and 8<sup>th</sup> nationally.

**IV. Probation Department Information**

	<u>2005</u>	<u>2004</u>	<u>%</u>
Persons Supervised	1,856	2,028	-.1

The number of persons supervised is the highest in the Sixth Circuit and represents 20% of the total number of persons under supervision in the Sixth Circuit. Nationally, the Eastern District of Michigan ranks 17<sup>th</sup> in the number of persons under supervision.

The major offenses continue to be violations of drug laws and fraud. Other contributing offenses were robbery and weapons/firearms violations.